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NOTICE OF PUBLIC MEETING
Zoning Board of Appeals

Town of Chatham
Columbia County
New York

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham has scheduled a meeting on February 25, 2021 at 7:00 PM via google meets at meet.google.com/oqx-rney-prz or by phone at +1 515-518-4408 PIN: 264 748 058#. The following matters will be discussed at the meeting:

Call meeting to order

Approval of Minutes: October 22nd, 2020 meeting

Public Hearing:

Old Business:

New Business:

1. An Application for an Area Variance from Joseph Dwileski located at 128 Richmond Dr. Tax ID#15.-1-55, to allow an expansion of a non-conforming lot.

Discussion:

Adjournment

Dated October 14, ~~2020~~ 2021

Erin Reis, Secretary
Zoning Board of Appeals

ZBA

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**NOTICE OF PUBLIC MEETING
Zoning Board of Appeals**

**Town of Chatham
Columbia County
New York**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham has scheduled a meeting on April 22, 2021 at 7:00 PM via google meets at:

<https://meet.google.com/ywb-mzwx-avd>

Join By Phone: +1-402-285-2563 PIN: 939 919 596#

The following matters will be discussed at the meeting:

- **Call meeting to order**
- **Approval of Minutes:** February 25, 2021 meeting
- **Public Hearing:** None
- **Old Business:**
 1. An Application for an Area Variance from Joseph Dwileski located at 128 Richmond Road, Malden Bridge, Tax ID#15.-1-55, to allow an expansion of a non-conforming lot.
- **New Business:**
 1. An Application for an Area Variance from Kenneth Blass and Kathy Weiss located at 17 Drowne Road, Old Chatham, Tax ID#15.-1-14.111, to allow a lot line adjustment.
- **Discussion:**
- **Adjournment**

Dated April 13, 2021

Daniel Persing, Chairperson
Zoning Board of Appeals

ZONING BOARD
MINUTES OF MEETING

April 22, 2021 @ 7PM

Via GoogleMeets@meetgoogle.com\oqx-mey-prz

Or by phone at 515-518-4408

MEETING TO ORDER – The meeting was called to order at 7:04 pm by Chairperson Persing. The pledge of allegiance was recited. Following the pledge of allegiance the Chairperson explained the process of a public meeting and introduced the Board members who were present for the meeting.

PERSONS PRESENT:

Daniel Persing, ZBA Board Chairperson

Adrian Ooms, Board member (by phone)

Stephen Day, Board member

Christopher Spencer

Tal Rapplyea, Town Attorney

Members of the public: Vance Pitkin, Town Board Member

Joseph Dwileski – applicant

Kenneth Blass—applicant

Don Naylor—neighbor of the Blass property

Absent: ZBA Board Member Christie Ellis

APPROVAL OF MINUTES – The minutes of the February 25, 2021 meeting had been distributed prior to the meeting. No changes were recommended. ZBA member Day moved to approve the minutes; ZBA member Ooms seconded. There was no discussion. The minutes of the meeting were approved as written.

PUBLIC MEETING: The public meeting was opened at 7:04 p.m.

1. Application of Joseph Dwileski, 128 Richmond Drive
SBL 15.-1-55

Mr. Dwileski was asked by Chairperson Persing to describe his application to the Board and any member of the public. Mr. Dwileski explained that he was seeking to add a 9 x 12 addition to the front of his dwelling at 128 Richmond Drive. The room is in the character of a mudroom. Mr. Dwileski reminded the Board that when he had originally appeared on the application at the February meeting, he had planned on a bit smaller addition but that he had taken the suggestion to make it a little larger to fit his needs. The dwelling had replaced another structure which had been there, and which had extended closer to the road.

The variance requested was clarified to be approximately 36 feet. Member Day reiterated the setback requirement was 50 feet to center of the road. The Board was reminded that

the setback required that it be an additional 25 feet from center of the road plus the required 25 foot setback from the front. Mr. Dwileski's plot of the proposed addition was put up onto the screen for review. In looking at it, Member Day remarked that it was a nonconforming lot, and that present restrictions would require a five acre lot in R-2, but that this was only one acre.

The discussion was thereafter closed. Member Day moved to deem the application complete; Member Spencer seconded the motion. There was no discussion on the motion. The Board unanimously voted in favor of deeming the application complete.

Chairperson Persing noted that the area variance was a Type II SEQRA action.

A motion was made by Member Spencer to set the matter down for public hearing at the next meeting of May 27, 2021. The motion was seconded by Member Ooms. There was no discussion on the motion. The Board unanimously voted in favor of the motion to place the matter on for a public hearing on May 27, 2021.

The Applicant was advised to send the required notices to neighbors within 200' of the proposed action, and was asked to produce the return receipts at the meeting of May 27, 2021.

2. Application of Kenneth Blass for an area variance -17 Drowne Road
SBL 15.0-01-14.111

Mr. Blass was requested to describe his application to the Board. Mr. Blass explained that the property was originally purchased by his parents in 1955. A portion of the property was sold to Donald Naylor. The buildings had formerly been on the property which had not been subdivided when owned by Mr. Blass' parents. The Planning Board had already approved the subdivision, subject to the approval of the ZBA for an area variance since the lot line was between two barns and did not comply with the required setbacks. The plan was to sell to Mr. Naylor property which included one of the barns, effectually moving the lot line to between the barns, and thus causing the barn to be 5 feet from the sideline. No other lines were affected. Member Day asked the Applicant if there was a reason that a lot line could be created so as to avoid the need for a variance. The Applicant stated that there was no other means of dividing the parcel.

Member Spencer moved to deem the application complete and to set it down for a public hearing on May 27. The motion was seconded by Member Day. There was no discussion on the motion. The Board voted unanimously in favor of deeming the application complete and to set the application down for a public hearing to take place on May 27, 2021.

Further discussion took place regarding notification of neighbors. The Applicant noted that there were no neighbors within 200 feet who would require notice of the proposed action. The Board advised the Applicant to send a letter to the Board to ask that he

requirement be waived since there were no neighbors within 200 feet as would otherwise be required.

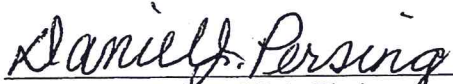
ADDITIONAL BUSINESS

The Board discussed deadlines for submission of information and the sufficiency of the timeline. The time period required for submission of information was no less than ten days prior to the meeting date and additional items or submission of materials for consideration. Member Spencer noted that if the time period were shortened, there would be a significant burden upon the staff. Discussion took place about the notification of the timeline within the application, and attempting to make the process more friendly for applicants. Discussion took place regarding the number of meetings it typically took for the applicant from the submission of the application through the date it was set for a public hearing. A review of the process appeared to result in an average of two meetings for the process to complete itself. That time period was dependent upon the completeness of the application. The Board members discussed the user friendly nature of the application. It was noted that the Board had within the past year improved the application by setting up an explanation of what was necessary and modified the application in an attempt to assure that the application would be complete at the first review by the Board. It was noted that there was a list of items in the form of a checklist.

The Board also discussed the relaxation of COVID restrictions and the effect upon public meetings. The Board discussed the difficulty of persons attending a public meeting if there was a concern about COVID despite relaxation. In addressing the possibility of a hybrid meeting, by having some members of the public appear virtually and some appear in person. Town Board Member Vance Pitkin mentioned that the Planning Board could only use one computer and that there was only one microphone, thus making it difficult to effectually conduct the meeting. The use of PS21 for meetings was also discussed, but that venue would not always be available. The Board discussed opening back up to in person meeting in June.

There being no further business in front of the Board, Member Spencer made a motion to adjourn; Member Day seconded. There was no discussion on the motion and it was unanimously carried.

The meeting was adjourned at 8:15 p.m.



Daniel J. Persing, ZBA Chairperson

Dated: May 27, 2021

NOTICE OF PUBLIC MEETING
Zoning Board of Appeals

Town of Chatham
Columbia County
New York

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham has scheduled a meeting on May 27, 2021 at 7:00 PM via google meets. Use the following info to join: Meeting ID meet.google.com/fje-yfdq-mzh or by Phone (US)+1 318-745-9048; PIN: 632 702 365#. The following matters will be discussed at the meeting:

Call meeting to order

Approval of Minutes: April 22, 2021 meeting

Public Hearing:

1. An Application for an Area Variance from Joseph Dwileski located at 128 Richmond Dr. Tax ID#15.-1-55, to allow an expansion of a non-conforming lot.
2. An Application for a Lot Line Adjustment from Ken Blass located at 17 Drowne Rd., Old Chatham Tax ID#15.0-01-14.111.

Old Business:

New Business: An application for an Area

1. An Application for an Area Variance from Ernest Samuel Gleason for a deck located at 156 Pond Hill Rd, Tax ID# 66.01.07
2. An Application for an Area Variance for a fence located at 2714 County Route 9, East Chatham; Tax ID# 47.4-1-11 / 47.4-1-09

Discussion:

Adjournment

Dated May 18, 2021
Ann Formel, Secretary
Zoning Board of Appeals

**ZONING BOARD
MINUTES OF MEETING**

May 27, 2021 @ 7PM

Via meet.google.com/bvg-ewzr-bht

Or by phone(US) +1 585-491-8544 PIN: 561 302 205#

MEETING TO ORDER – The meeting was called to order at 7:10 pm by Chairperson Persing. The pledge of allegiance was recited. Following the pledge of allegiance the Chairperson explained the process of a public meeting and introduced the Board members who were present for the meeting.

PERSONS PRESENT:

Daniel Persing, ZBA Board Chairperson

Adrian Ooms, Board member (by phone)

Stephen Day, Board member

Christopher Spencer, Board member

Tal Rappleyea, Town Attorney

Vance Pitkin, Town Board Member

Members of the public:

Joseph Dwileski – applicant

Edward O. Cabot – applicant

Ken Blass - applicant

Anne Kaplan

Joe Pepitone

Nancy Jackson

Kent Pratt

Absent: Christie Ellis, ZBA Board Member

Absent: Samuel Gleason Applicant

PUBLIC HEARING

- 1.) Application for an Area Variance from Joseph Dwileski located at 128 Richmond Dr. Tax ID#15.-1-55, to allow an expansion of a non-conforming lot was discussed. Mr. Dwileski wants to add a small 9'X12' mudroom with windows to his small home to increase its comfort and usability. Mr. Dwileski did not give all of his neighbors within 200' a notification of the proposed actions and was asked to return next month 6/24/2021 and to bring the return receipts to the meeting. Atty Rappleyea asked if the notice had been published. The public notice had been published in the Register Star, Hudson NY on May 21, 2021.

There were no comments or questions referencing this action from the public with the exception of Town Board Member Pitkin speaking as a citizen. Mr. Pitkin, neighboring property owner, states that Mr. Blass is an excellent neighbor, has improved the property drastically. He welcomes any further changes and believes all neighboring properties have increased in value under Mr. Blass' property improvements.

A motion was made to keep the hearing open until June 24, 2021 by Member Day and seconded by Member Ooms. There was no further discussion. The motion was carried by unanimous vote.

- 2.) Application for a Lot Line Adjustment from Ken Blass located at 17 Drowne Rd., Old Chatham Tax ID#15.0-01-14.111. The adjustment allows a group of two barns to rejoin the beautifully renovated house they were built for originally. In the applicant's opinion, his neighbor Mr. Naylor has done a great job to date restoring that same property. A variance allowing the lot line would put the setback at 5-8', not the required 50', but returns the barns to the house as it was 100 years ago. The only neighbors within 200' are the land seller & purchaser. In lieu of neighbor notification letter the applicant has sent a letter to the Town of Chatham attorney who accepted it for the file.

The public notice had been published in the Register Star, Hudson NY on May 21, 2021. When invited to speak, there were no comments or questions from the public.

A motion was made to close the Public Hearing by Member Day and seconded by Member Ooms. The motion was carried unanimously. The Chairperson then asked if the group had answered all 5 required questions on the application and ensued a discussion. The Q&A were:

- Does it create an undesirable or detrimental change? No detrimental change.
- Is it achievable by another method? No, it is the only and best place for a new lot line.
- Is it a substantive change? Yes, but it was considered with no objections
- Will it have an adverse effect or impact? No, it reverts the property back 100 years to its historical origin.
- Is it self-created? Yes.

A motion to amend the previous vote and to determine that the area variance, as sought, is granted was made by Member Day and seconded by Member Ooms. Chairperson Persing informed that in legal terms, the decision "runs with the land" meaning it stays joined to the land as if in a deed. The vote was all ayes and the variance is granted. A note will be recorded in the minutes and placed in the file. Chairperson Persing stated he will prepare a letter to the Town of Chatham Planning Board stating the variance has been granted.

Chairperson Persing thanked both applicants for their professional presentations and deportment. A motion to close the Public Hearing was made by Member Day and seconded by Member Spencer. With no further discussion, the vote resulted in all ayes and the motion carried.

APPROVAL OF MINUTES – The minutes of the April 22, 2021 meeting had been distributed prior to the meeting. No changes were recommended. ZBA member Day moved to approve the minutes; ZBA member Spencer seconded. There was no discussion. The minutes of the meeting were approved as written.

PUBLIC MEETING

- 1) Application for an Area Variance from Ernest Samuel Gleason for a deck located at 156 Pond Hill Rd, Tax ID# 66.01.07. Applicant Gleason was not present at the meeting. A motion to table his application until June 24, 2021 was made by Chairperson Persing, seconded by Member Spencer and carried unanimously.

- 2) Application for an Area Variance from Edward O. Cabot for a fence located at 2714 County Route 9, East Chatham; Tax ID# 47.4-1-11 / 47.4-1-09. Chairperson Persing welcomed Mr. Cabot who had appeared previously. Chairman informed the application must be complete and approved before it is open for public comment. Mr. Cabot was then asked to describe his application to the Board and any member of the public. The Applicant explained he is seeking to install a fence for privacy, to protect his property and increase its usability. He has closed a driveway and removed a garage to make the area into his backyard. His builder and he originally thought the house was in the hamlet of East Chatham but subsequently learned it is in the hamlet of New Concord with different district codes. Chairperson Persing informed the notification letters he collected are for a potential future Public Hearing date, not this meeting. Chairperson Persing referred to the checklist mentioned in an earlier meeting as a useful tool to ensure his application materials are complete. All items on the checklist are required whether or not it seems applicable. Items are the property deed and SEAF. Member Day added the survey submitted does not show his entire property. He would like to know how the fence relates to the full scale of the property. The applicant stated he researched and decided on period style, closed board fence that is 6' high. The Board will benefit from information on the topography of his land, and a drawing or picture of the fenced area with the proposed fence superimposed on it. They want to see how the land elevation relates to the fence. A site visit might be necessary; pictures are good for the file. Member Spencer asked for an explanation of the previously submitted fence plan. The Applicant described the plan, showing stone walls, new trees, fence layout, back yard, area from which the garage & driveway had been removed. Did he approach DPW for the driveway ---yes he has a letter from them that needs to be in the application. Member Ooms cited a fence on Rock City Road; Member Day cited another in Chatham Center on CR 13. The applicant confirms a copy of the deed had been emailed to the ZBA clerk by Marty Martinez on May 17th. Member Day requested the Board reiterate what the Applicant must submit with Member Spencer adding that anything the Applicant can provide to show the visual impact is helpful. A motion was made by Member Spencer and seconded by Member Day to determine if the application was complete or incomplete; it was deemed to be incomplete by unanimous vote. The application can be reviewed again at the next meeting.

DISCUSSION

By consensus the next meeting will be in person and via Zoom. The Board wants the meetings to be available to all who want to attend, without restrictions caused by technology or social distancing.

There being no further business in front of the Board, Member Spencer made a motion to adjourn; Member Day seconded. There was no discussion on the motion and it was unanimously carried.

The meeting was adjourned at 8:15 p.m.

Next Meeting July 22, 2021 at 7:00PM

Respectfully submitted
Ann F. Formel, Secretary
June 16, 2021

NOTICE OF SPECIAL MEETING AND PUBLIC HEARING
Zoning Board of Appeals
Town of Chatham, Columbia County, New York

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham has scheduled a special meeting on June 17, 2021 for the purpose of conducting a public hearing regarding an Application for a Lot Line Adjustment from Ken Blass located at 17 Drowne Rd., Old Chatham Tax ID#15.0-01-14.111 and to discuss any other matter that may come before the Board at 7:00 PM via google meets. Use the following info to join:

Meeting ID

meet.google.com/tvu-qqge-rxy

Phone Numbers

(US)+1 469-305-0138

PIN: 740 550 161#

June 7, 2021

Ann Formel, Secretary

Zoning Board of Appeals

NOTICE OF PUBLIC MEETING
Zoning Board of Appeals

Town of Chatham
Columbia County
New York

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham has scheduled a special meeting on June 24, 2021 at 7:00 PM. Board members and applicants will meet in person at the Chatham Town Hall and public attendance will be via google meets. Use the following info to join:

Meeting ID meet.google.com/bvg-ewzr-bht

Phone Numbers (US) +1 585-491-8544 PIN: 561 302 205#

The following matters will be discussed at the meeting:

Call meeting to order

Approval of Minutes: May 27, 2021

Public Hearing:

1. An Application for an Area Variance from Joseph Dwileski located at 128 Richmond Dr., Tax ID#15.-1-55, to allow an expansion of a non-conforming lot.

Old Business:

1. An Application for an Area Variance from Ernest Samuel Gleason for a deck located at 156 Pond Hill Rd, Tax ID# 66.01.07
2. An Application for an Area Variance from Edward O. Cabot for a fence located at 2714 County Route 9, East Chatham; Tax ID# 47.4-1-11 / 47.4-1-09

New Business:

Discussion: ZBA page on the Town of Chatham website

Adjournment

Dated June 16, 2021
Ann Formel, Secretary
Zoning Board of Appeals

ZONING BOARD
MINUTES OF MEETING
June 24, 2021 @ 7PM

ZBA Members Present:

Daniel Persing, Chairperson
Adrian Ooms
Chris Spencer
Stephen Day
Tal Rappleyea – Town Attorney

Public Present:

Vance Pitkin by video
David Hutchinson by video
Nancy Jackson by video
Bridget Sisk by video
Susan Andersen

ZBA Member Missing
Christie Ellis

Chairman Persing called the meeting was called to order at 7:08PM. The Board and applicants met in person at the Chatham Town Hall located at 488 Rt. 295, Chatham, NY. The public attended the meeting online, via meet.google.com/bvg-ewzr-bht or by phone (US) +1 585-491-8544 PIN: 561 302 205#.

Pledge of allegiance

Chairman opened the meeting stating that tonight we have a Public Hearing to be followed by a Public Meeting. The difference between the two is that during the Public Hearing the public are allowed to express any opposition or anything that they wish the board to know about an application. The Public Hearing follows after the Board deems the an application complete, the applicant has given written notice to neighbors within 200 feet of the proposed action, and a notice of the variance application has been published in the newspaper.

Public Hearing

An application for an area of variance by Mr. Dwileski for property located at 128 Richmond Drive. This application remained open for Public Hearing from the last ZBA meeting pending Mr. Dwileski's proof that he notified his neighbors. The application was published in the Register Star newspaper on May 21, 2021. It was published again on June 22, 2021. The affidavits of publication are in the application file. Approximately 7:09 pm the Chairman opened the Public hearing calling Mr. Dwileski to the table. The Chairman questioned Mr. Dwileski - Do you have the neighbor notification receipts indicating that you sent mailings to the individuals? Response: I do. One of them came back undeliverable as the addressee had moved but all the rest of the receipts are here. The Chairman received the receipts stating they will be placed in file and on record.

The Chairman asked the applicant if he had any conversations with anyone with regard to their sentiments about his application or received any letters on it's account? Response: Just two phone calls from Mrs. Lieberman and Mrs. Collier. All was very good.

The Chairman then asked if there are any members of the public who are here to speak, either for or against the application and to identify yourself by name, and state the property address at which you reside. There was no response by phone or video. The Chairman stated "there appears to be no one here at this time and we are now 13 minutes after the Hearing was noticed to be held and four minutes into the Public Hearing. A motion to close the Public Hearing was made by Mr. Day, seconded by Mr. Spencer and unanimously passed. The Public Hearing was closed at 7:22PM.

ZONING BOARD
MINUTES OF MEETING
June 24, 2021 @ 7PM

The Chairman gave the members an opportunity to make/ask further comments/questions. Mr. Spencer noted one of the things not in the file that does not affect the variance, were the plans for the 9'X12", originally it was going to be 9'X9'. Response: Yes, the new drawings are four pages. Mr. Dwileski thanked the board for giving him the idea to increase the width of the mud room which does not put the addition any closer to the lot line. Chairman Persing requested the new plans be put in the file.

The Chairman asked the members the 5 questions that must be answered during a request for a variance. This variance is for 37 feet.

- 1) Does it create an undesirable change? Does it reduce the character of the neighborhood? The chairman cited positive statements made during the previous meeting by Mr. Pitkin, a neighbor of the property; which are found in that meeting's minutes. No, the variance does not create an undesirable change.
- 2) Can the benefit be achieved by another feasible method other than this requested area variance? A different location would not work due to the placement of the driveway and the utility of the addition.
- 3) Is the requested area variance substantial? There's a requirement the setback be 75 feet from the roadway. In this case we are looking at about a 37' variance which is roughly 50%. It is substantial.
- 4) Will the requested area variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood? No adverse impact.
- 5) Was the alleged difficulty self-created? Yes, it was self-created; but this new trailer location is 35' +/- further from the center of the road than the original.

Chairman Persing introduced the members of the board and announced we have a quorum. He asked the folks for indulgence for not having done that at the beginning of the meeting.

There was no further discussion with regard to this application. A motion to grant the variance as requested at 37', consistent with the application of Mr. Dwileski for the property of 128 Richmond Drive was made by Mr. Spencer, seconded by Mr. Day and carried unanimously.

Chairman Person stated the area variance is a Type II SEQRA action. No further State Environmental Quality Review Assessment is necessary.

Old Business

- 1) An application for an area variance from Ernest Samuel Gleason Lee for a deck located at 156 Pond Road. An email dated June 8 from the applicant was read by the chairman "Thank you for the information for the deck permit, for 156 Pond Hill Road. We will be working on this over the next couple months due to Children graduating and relocating this summer. No, hurry on our part. Thank you." Ms. Formel spoke with him this week to confirm he is not yet ready.

The Chairman requests we table the application until Mr. Gleason gives us a date on which he's ready to proceed. Ms. Formel is to draft a letter to him and advise the board will keep his application off the agenda until Mr. Gleason indicates he's ready. Mr. Gleason's email is to be put in the file.

- 2) An application for an area of variance from E. O. Cabot for a fence located at 2714 County Route 9 in East Chatham. Mr. Cabot also informed the Board by email that he is not ready. Chairman Persing read his email dated June 22, 2021 at 3:20 PM written to Ms. Formel. "I have been unable to organize the supplemental material requested and would ask the board to delay proceedings till next month. Thank you, Edward Cabot."

Chairman Persing stated this application will be put on next month's agenda for public meeting again, which means that the Board will not solicit comments from the public at that time.

ZONING BOARD
MINUTES OF MEETING
June 24, 2021 @ 7PM

Other Business

Chairman Persing asked if there was any further business the members would like to bring forward. There was not. Chairman Persing then started a discussion to update the ZBA pages on the Town of Chatham website. Due to changes on another Town Board page, the ZBA documents are somewhat difficult to find. Items to be listed on the ZBA pages for easy detection by the public are the Application, the Checklist for a Zoning Board Application. Chairman Persing suggested the Board review the checklist for completeness, streamlining and ease of use. He emphasized it's important for applicants to understand that everything that's on the list is important when the Board is making a decision. Member Day stated that even though it looks daunting, it really isn't once an applicant gets started. Chairman Persing stated "the application is self-explanatory. It lists the same questions we use in deciding to approve or disapprove an area variance. We no longer do Special Use Permits... that's now the responsibility of the Planning Board. This Board's role is to: determine area variances; determine the use variances; and also to do interpretations of the zoning law. Those are the three areas that the zoning board does routinely. Chairman Persing stated he values strongly the Members opinion with regard to making this a much more user friendly process." Ms. Formel will get both existing documents on the website for now. Member Day supports clear documentation online so the public can come into meetings prepared with all materials necessary for a complete application.

Members discussed the upcoming meetings. The Board will be meeting on July 22 & August 26 unless we have no business. The Board generally does not meet in November because the Thanksgiving Holiday normally falls on the 4th Thursday of the month. The Board often meets in early December. All meetings require a 10 day posting period.

Communications

Attorney Rappleayea noted that Ms. Nancy Jackson would like to speak. Chairman Persing:

- 1) Clarified her questions about the process of neighbor notifications.
- 2) Informed her that the public has two options for better understanding the project: a) They can come to the Town Hall to look at the documents the Board sees, b) the second thing you could do is during the Public Meeting, you are committed to take a look at the application as well. The only thing that's prohibited during a Public Meeting is actually questions. At that point, those would have to come during the Public Hearing.
- 3) Answered her question "Typically, when does a site visit by the Zoning Board occur?" It can occur while we keep the public hearing open. If a number of individuals bring up certain aspects that they have concerns about, we can keep the public hearing open and do a site visit in the course of the public hearing and then resume the public hearing at the next meeting. Nothing prevents us, however, from doing that during the course of any public meeting. But at that, we usually don't do a site visit until we know the application is fairly complete, so that we know what we're looking at.

Ms. Jackson stated that from her experience, the use of a complete checklist will be beneficial to the applicant when addressing the Zoning Board.

Chairman Persing asked if anyone else wanted to speak. No response was made from the Board or from the public.

ZONING BOARD
MINUTES OF MEETING
June 24, 2021 @ 7PM

Minutes

Approval of the May 27, 2021 minutes was delayed until the next meeting as certain corrections had not been made. A motion to table the minutes until the next meeting was made by Mr. Spencer. Further discussion a request that the minutes be corrected and distributed early for the Board's review. The motion was seconded by Mr. Ooms and passed unanimously.

A motion to adjourn was made by Mr. Day and seconded by Mr. Ooms and passed unanimously. The meeting adjourned at 7:53PM.

Respectfully submitted,

Ann F. Formel
July 13, 2021

NO ZBA MTG

JULY 2021

AUG 2021

**NOTICE OF PUBLIC MEETING
Zoning Board of Appeals**

**Town of Chatham
Columbia County
New York**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham has scheduled a meeting on September 23, 2021 at 7:00 PM. Board members, applicants and the public will meet in person at the Chatham Town Hall, 488 State Route 295, Chatham, New York. Masks must be worn.

The following matters will be discussed at the meeting:

Call meeting to order

Approval of Minutes: May 27, 2021 & June 24, 2021

Public Hearing:

Old Business:

1. An Application for an Area Variance from Ernest Samuel Gleason for a deck located at 156 Pond Hill Rd, Tax ID# 66.01.07

New Business:

Discussion: Meeting date for November/December meeting

Adjournment

Dated September 13, 2021
Ann Formel, Secretary
Zoning Board of Appeals

ZONING BOARD
MINUTES OF MEETING-
September 23, 2021 @ 7PM

ZBA Members Present:

Daniel Persing, Chairperson
Adrian Ooms
Stephen Day

Public Present:

E. Samuel Gleason, Applicant

Absent

Christie Ellis, ZBA Member
Chris Spencer, ZBA Member
Tal Rappleyea – Town Attorney
Vance Pitkin – Town Representative

Location: Chatham Town Hall located at 488 Rt. 295, Chatham, NY.

Chairman Persing opened the meeting at 7:07PM with the **Pledge of Allegiance** and noted that a **quorum** was present.

Chairman Persing stated that all items on the agenda will be covered but not in the posted order, as the sole applicant had not yet arrived.

The Chairperson introduced the Board members who were present, to the public and explained the application process including the necessary documents, and the requirement for a Public Hearing before any variance can be granted.

Old Business

An application for an area variance from Ernest Samuel Gleason , for a deck, located at 156 Pond Hill Road (Tax ID# 66.-1-7).The original application was for a 10'x12' deck on an existing non-conforming lot. The revised application shows an 8'x12' deck reduced to fit within the lines of the house and therefore not increasing the existing non-conformance to property lines. The application is for a new structure and is not a replacement deck. Mr. Gleason offered the building does not meet present setback requirements of the road or the sideline. Member Day asked if the planned deck would be closer to the road than the existing foundation. Response "No. Same distance as the existing house."

Chairman Persing stated that because the deck is a new structure, it is not grandfathered into the present non-conformance.. His application was for both an interpretation and for the area variance. So maybe we should state it this way: Chairperson Persing addressed the request for an interpretation whether the application was necessary to be made secondary to the dimensions following the footprint of the building which had predated the zoning laws and was nonconforming. He made a motion to deem an application for a variance as necessary under the circumstances. The motion was seconded by Mr. Day. An opportunity for discussion was given to the Board; there was no further discussion. The motion was unanimously carried in favor of interpreting the Zoning Law as requiring an application for a variance.

ZONING BOARD
MINUTES OF MEETING
September 23, 2021 @ 7PM

The Board then reviewed the application in front of it. The checklist was reviewed with the applicant. Some items were not provided. The application was noted to be missing the short form EAF. A form was located and provided to the applicant. Chairman Persing tabled the issue while Mr. Gleason filled out the required short EAF.

Approval of the minutes

The minutes from the two prior meetings were read, discussed, and three minor changes made to the May 27, 2021 document. No changes were made to the June 24, 2021 meeting. A motion to approve both sets of minutes, as amended, was made by the Chairman, seconded by Adrian Ooms. An opportunity for discussion was given to the Board; there was none. The motion was carried unanimously approving both sets of minutes.

Other Business

Chairman Persing opened discussion of the next two meetings being on and close to holidays, suggesting a decision on an alternate date(s). Discussion resulted in setting the next meeting date on December 2nd or 9th. A date will be decided after all board members have been called.

Old Business, continued

The Board returned to the application of Mr. Gleason. Mr. Gleason submitted a completed EAF to the Board. Chairman Persing made a motion to deem the application complete pending supplementation of the property deed, and identification of abutting neighbors within 200 feet of the proposed action. The motion was seconded by Member Ooms and carried unanimously., after opportunity for discussion. If the deed, proof of abutter notification, and any outstanding fees are satisfied by October 18, a Public Hearing will be scheduled for the next meeting date. The applicant was advised he could obtain a form letter and assistance with addresses from the Clerk to the Board.

A motion to deem this a Type 2 SEQR variance action was made by Chairman Persing, seconded by Member Day and carried unanimously following opportunity for discussion.

Business added to agenda

Chairman Persing stated that two letters from the public with questions referencing the Art Omi project that is presently before the Planning Board, were received seeking a definition under the Code Upon discussion it was determined that the Board could not respond to the requestor without an application for an interpretation because the Board cannot provide advisory opinions. The mail was forwarded to the Board's Attorney for a response.

A motion to adjourn was made by Chairman Persing, seconded by Member Day carried unanimously without discussion. The meeting adjourned at 8:05 PM.

Respectfully submitted,
Ann F. Formel

October 6, 2021

NOTICE OF PUBLIC MEETING and PUBLIC HEARING
Zoning Board of Appeals

Town of Chatham
Columbia County
New York

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham has scheduled a meeting on **October 28, 2021** at 7:00 PM. This will be an in person meeting held at the Chatham Town Hall, 488 State Route 295, Chatham, New York. Masks must be worn.

The following matters will be discussed at the meeting:

Call meeting to order

Approval of Minutes: September 23, 2021

Public Hearing: *An Application for an Area Variance from Ernest Samuel Gleason for a deck located at 156*

Pond Hill Rd. Tax ID# 66.01.07

Old Business: *Application for an Area Variance from Edward O. Cabot for a fence located at 2714 County Route 9, East Chatham; Tax ID# 47.4-1-11 / 47.4-1-09.*

New Business: *Application for an Area Variance from Edward O. Cabot for a garden stone wall with two gates located at 2714 County Rout 9, East Chatham, Tax ID# 47.41-11/47.4-1-09*

Potential request from Planning Board.

Other Business:

1. *Next Meeting Date*
2. *Website update*
3. *NOA procedure & document*

Adjournment

Dated October 20, 2021

Ann Formel, Secretary
Zoning Board of Appeals

ZONING BOARD
MINUTES OF MEETING
October 28, 2021 @ 7PM

ZBA Members Present:

Daniel Persing, Chairperson
Adrian Ooms
Chris Spencer
Stephen Day

Absent Christie Ellis

Public Present:

E. Samuel Gleason, Applicant
Tal Rappleyea – Town Attorney
Donal Collins – Town Supervisor
Kent Pratt – Town CEO Building Dept.
Vance Pitkin – Town Representative

Location: Chatham Town Hall located at 488 Rt. 295, Chatham, NY.

Chairman Persing opened the meeting at 7:02PM with the Pledge of Allegiance and noted that a quorum was present.

The Chairperson introduced the Board members who were present, informing this meeting is a Public Hearing and a Public meeting of the ZBA. He explained the ZBA application process including the necessary documents, Board review and due diligence, and the requirement for a Public Hearing before any variance vote can be held. The public is allowed to make comments of support or concern during a Public Hearing. A public meeting is different in that the public observes the work of the Board without verbal interaction.

Chairman Persing opened the Public Hearing for the application for an Area Variance from Ernest Samuel Gleason for a deck located at 156 Pond Hill Rd. Tax ID# 66.01.07 inviting him to join the Board at the table. Mr. Gleason was asked to describe the project to ensure those interested public understood what it is he is making application for. His application is for a new structure on an existing non-conforming lot. His revised application shows an 8'x12' deck reduced to fit within the lines of the house and therefore not increasing the existing non-conformance to property lines. The application is for a new structure and is not a replacement deck. Mr. Gleason offered the building does not meet the 50' setback requirement from the road as it is 45', nor the 50' sideline setback as it is 15' from the property line. The Board reviewed the documents, sketches and determined no further encroachment was being made. The required neighbor notices and proof of mailing were viewed, and the publication of a Public Hearing Notice was shown. Chairman Persing asked if any member of the public was here tonight to be heard, either for or against the application. There were none. Member Day made a motion to close the Public Hearing which was seconded by Member Spencer. The Chairman put it to vote: all those in favor – 4 ayes; all those against - none. The public hearing closed at 7:18 PM.

The Public Meeting opened at 7:18. No further details for the Gleason application was had by the Board so the Chairman opened the session with the five questions the ZBA is required to discuss and answer before every area variance can be completed.

1. Will the variance create an undesirable change in the character of the neighborhood or a detriment to nearby properties, any discussion? How would you answer that? All members answered "No."
2. Can the benefit can be achieved by another feasible method other than an area variance? "No, it doesn't seem possible here. The completed deck actually fits into the building."
3. Is the area variance is substantial? "It is in terms of structure percentage. No doesn't mean that it's the death the application but it must be considered. Yes, we do have a substantial variance, but it's not out of the character with the neighborhood. The deck is within the rectangular footprint, of the

ZONING BOARD
MINUTES OF MEETING
October 28, 2021 @ 7PM

house. The relevancy is the setbacks which predate the deck. So Mr. Gleason is not impinging any further on the neighborhood.”

4. Will the requested area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? “No, it will not.”
5. Was the alleged difficulty was self-created? “Yes, most variances before the Board are self-created.”

No further discussion on the application ensued. A motion to grant the application for a variance was made by Member Day and seconded by Member Spencer. Chairman put it to a vote: all those in favor - 4 ayes; against - none. The vote carried unanimously.

A motion was made to accept the September 23, 2021 minutes, as written, by Member Day. It was seconded by Member Ooms and put to vote by the Chairman. All those in favor – 4 ayes; all those against – 0 nays; the vote carried unanimously.

The Chairman spoke of applicant Edward Cabot who wrote to the ZBA on 11/27/2021 asking that his application is tabled tonight. Further fencing/stone wall work is being done and he’s asking if the two applications can be combined into one submission. He will be at the next board meeting.

The status of the Traumatic Resiliency Resource project was discussed. The Chairman stated ZBA must receive a letter requesting review/comments before the Board can discuss/rule/opine on any issue/project. No letter/request has been received as of yet.

The next meeting is scheduled for December 9, 2021.

A motion was made by member Ooms to close the Public meeting, seconded by Member Day and passed unanimously.

Meeting adjourned at 7:40 PM.

Respectfully submitted,

Ann F. Formel
November 30, 2021

ZBA

NO NOV 2021

MTG

NOTICE OF PUBLIC MEETING
Zoning Board of Appeals

Town of Chatham
Columbia County
New York

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham has scheduled a meeting on December 9, 2021 at 7:00 PM. This will be an in person meeting held at the Chatham Town Hall, 488 State Route 295, Chatham, New York. Masks must be worn.

The following matters will be discussed at the meeting;

Call meeting to order

Approval of Minutes: October ~~21~~, 2021
28

Communications:

Old Business: *Application for an Area Variance from Edward O. Cabot for a fence located at 2714 County Route 9, East Chatham; Tax ID# 47.4-1-11 / 47.4-1-09.*

New Business: *Application for an Area Variance from Edward O. Cabot for a garden stone wall with two gates located at 2714 County Route 9, East Chatham, Tax ID# 47.41-11/47.4-1-09*

Other Business:

1. *Next Meeting Date*
2. *NOA procedure & document*

Adjournment

Dated November 29, 2021

Ann Formel, Secretary
Zoning Board of Appeals

TOWN OF CHATHAM ZONING BOARD
MINUTES OF MEETING
DECEMBER 9, 2021 @ 7:00PM

ZBA Members Present:

Daniel Persing, Chairman
Adrian Ooms
Stephen Day

Public Present:

Edward Cabot, Applicant
Kent Pratt, Code Enforcement Officer, ToC
Vance Pitkin, Town Board Representative
Nancy Vazac Jackson

ZBA Members Absent:

Chris Spencer
Christie Ellis

Location: Chatham Town Hall located at 488 State Route 295, Chatham, NY

Chairman Persing opened the ZBA meeting at 7:06 PM with the Pledge of Allegiance.

The Chairperson introduced the Board members who were present, informing the attendees this meeting is a Public Meeting. He then explained the difference between a Public Meeting and a Public Hearing noting that during a Public Meeting the public observes the work of the Board without verbal interaction. During a Public Hearing, the public can speak to the ZBA about the application before them. He then explained the application process including the necessary documents, the Board review and due diligence performed, and the requirement for a Public Hearing before a variance vote can be held. He emphasized that this is a Public Meeting.

Chairman Persing stated there are two applications before the Board or possibly just one application that has two parts. The first *Application for an Area Variance from Edward O. Cabot for a fence located at 2714 County Route 9, East Chatham; Tax ID# 47.4-1-11/ 47.4-1-09.* was made in the Spring of 2021. Another *Application for an Area Variance from Edward O. Cabot for a garden stone wall with two gates located at 2714 County Route 9, East Chatham; Tax ID# 47.4-1-11/ 47.4-1-09* was submitted in October 2021.

The Chairman opened the Public Meeting at 7:10PM inviting Mr. Cabot to the table. Mr. Cabot stated he is continuing the work on his early 1800's property. In order to create a back yard and gardens, a swimming pond, etc, he has removed a garage, earlier gardens, and a driveway. He is requesting a variance from the board because in the Hamlet of New Concord, the houses were built close to the road and do not meet the present County Road setback requirements. He asked that he be allowed to put up a 6' high, deer fence. In front of the wooden fence there will be a row of lilac bushes to create an attractive visual screen. His fence was designed to be similar to a neighbor's existing fence. The Columbia County Highway Dept. has sent a letter dated May 17, 2021 stating the Mr. Cabot's plan is acceptable to them.

TOWN OF CHATHAM ZONING BOARD

MINUTES OF MEETING

DECEMBER 9, 2021 @ 7:00PM

Chairman Persing asked for input from CEO Kent Pratt. Mr. Pratt stated that Mr. Cabot has filed a few applications for Building Permits since purchasing his parcels in New Concord. This application for a deer fence placed along County Route 9 has a setback requirement of 50' + 25' feet from the middle of the road. In a letter from the Columbia County Highway Department they state they have no issue with Mr. Cabot's proposed fence and that it meets the County's needs. Mr. Pratt continued that other houses in the Hamlet do not meet the setback; Mr. Cabot's application is not out of character in the Hamlet.

Mr. Pratt stated all of the Town of Chatham setbacks – side, front & back - are 50' from the property lines. Although considered a hamlet property, it is listed in an RL-2 zone according to Code of the Town of Chatham.

Mr. Pratt continued to offer information for application #2. After a site visit, he determined the front of the house faces North, which is on a Town of Chatham road. In his site plan, Mr. Cabot has reverted the front door to its original placement. That project is complete. Before he owned the property a previous owner had changed the location of what could be considered the front door so it faced to the West, or County Route 9.

Chairman Persing suggests the front door placement issue requires an interpretation and asked if it is in a Historic District. A member of the public requested to speak but was asked to save remarks for the Public Hearing.

The house setback on the west side (County route 9) is 53' only, not the required 75', but there is no issue from the County because their letter says the much closer fence in application #1 meets their needs. The driveway is on the Town road; there is no driveway exiting the property onto the County road.

The North (front of house) is only 38' from the property line. That neighboring parcel is also owned by Mr. Cabot.

Chairman Persing stated there was a plethora of information before the Board and he would entertain a motion as to the completeness of the application. He stated with three members in attendance we had a quorum. He asked Mr. Cabot if he was ready for the board to vote. Mr Cabot expressed concern if the missing members might feel slighted if not included in the vote. Mr. Persing made a motion that *both applications submitted in regards to property located at 2714 County Route 9, be deemed complete.* Member Day seconded the motion which passed unanimously.

Chairman Persing instructed the clerk that a Public Notice be published, with affidavits, for each of the two applications. Chairman Persing reminded Mr. Cabot that neighbor notification letters must be sent and receipts showing the same be filed with the Town. Mr. Cabot asked if communication by email would be sufficient for one neighbor who is in Hong Kong – yes it will.

TOWN OF CHATHAM ZONING BOARD
MINUTES OF MEETING
DECEMBER 9, 2021 @ 7:00PM

Approval of minutes

The minutes of the October 28, 2021, meeting were distributed to the members prior to the meeting. The members were given an opportunity to review the minutes prior to voting. Member Day made *a motion to accept the minutes as written* which was seconded by Member Ooms. Chairman Persing asked if there was any discussion, and there was none. The motion was put to vote and passed unanimously.

Additional business

The Chairman would like to see ZBA meetings recorded and suggested using voice translation technology that reports a meeting in print. When available, whether or not to put videos of taped meetings on the website was discussed. Next month it will be put to vote.

The ZBA Secretary is the gatekeeper for the Zoning Board. All application materials should be in the file before an application goes before the Board. The ZBA has a checklist to ensure the applicant submits all required materials. For an efficient application process, the checklist must be used by both the applicant and the Secretary. The checklist should also be available on the website.

Member Day stated that any variance generally requires at least 3 meetings. CEO Kent Pratt offered the Building Department review the application/ file/materials before going to the Zoning Board of appeal.

Chairman Persing proposes to use a Resolution process, with a form which is prepared prior to a meeting, to be completed upon the Board's vote, in order to streamline the application process. It will then become an addendum to the minutes, with the resolution and a copy of the minutes to be placed in a file folder for the parcel, to be kept with the Building Department. It was further proposed that the Resolution must include the parcel(s) Tax ID# for identification purposes so that the Building Department would have ready access to the Board's action.

The 2022 ZBA meeting dates were decided. Meetings will be scheduled for Jan 27, Feb 24, March 24, April 28, May 26, June 23, July 28, Aug 25, Sept 22, October 27, Nov –TBD, & Dec –TBD.

NYS Planning Federation will send future newsletter with training opportunities directly to members' emails unless they opt out. Members Persing, Day, Spencer and Ooms want the service.

There being no further business, Member Ooms made a motion to adjourn which was seconded by Member Day and passed unanimously.

Next meeting date is January 27, 2022

Respectfully submitted,
Ann F. Formel, Secretary